

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,)	No. CR15-029-RAJ
)	
Plaintiff,)	UNOPPOSED MOTION FOR EARLY
)	TERMINATION OF
v.)	SUPERVISED RELEASE
)	
BRIAN RICHARD FARRELL,)	Noted for February 2, 2023
)	
Defendant.)	

Brian Richard Farrell, through his attorney, Assistant Federal Public Defender Nancy Tenney, submits this renewed motion for early termination of supervised release, pursuant to 18 U.S.C. § 3583(e)(1), given Mr. Farrell's conduct while on supervision and in the interest of justice. The government and the United States Probation Office do not oppose this motion.

I. LEGAL FRAMEWORK

18 U.S.C. § 3583(e)(1) states that the Court can “terminate a term of supervised release previously ordered and discharge the defendant . . . if it is satisfied that such action is warranted by the conduct of the defendant and the interests of justice” after completing one year of supervised release. 18 U.S.C. § 3583(e)(1). When considering if termination is warranted, the Court has expansive discretion. *United States v. Ponce*, 22 F.4th 1045, 1047 (9th Cir. 2022). The Court need not require a demonstration of “undue hardship” from the petitioner and can consider a “wide range of circumstances.” *Id.* Additionally, the Ninth Circuit clarified that the “correct legal standard” for terminating

1 supervision is “set forth in 18 U.S.C § 3583(e)” in addition to “considering a subset of the
2 sentencing factors set forth in 18 U.S.C. §3553(a).” *Id.*

3 **II. PROCEDURAL BACKGROUND**

4 On June 3, 2016, Mr. Farrell was sentenced by this Court to 96 months
5 imprisonment and four years of supervised release after pleading guilty to Conspiracy to
6 Distribute Controlled Substances online. Mr. Farrell had served approximately 75% of
7 his sentence when this Court granted him Compassionate Release because FCI Sheridan
8 consistently failed to provide him with necessary medical care. (Dkt 100). Mr. Farrell
9 began his term of supervision on June 28, 2021, and that term is scheduled to expire on
10 June 27, 2025.

11 On August 3, 2022, this Court denied Mr. Farrell’s motion for early termination of
12 his supervised release “. . . without prejudice to Defendant filing a renewed motion in six
13 months.” Dkt. 104. It has been six months since the Court’s Order and Mr. Farrell now
14 submits this renewed motion.

15 **A. Mr. Farrell’s Continued Success While on Supervision**

16 In the prior motion for early termination, defense counsel advised the Court of Mr.
17 Farrell’s employment, activities and status of his relationships. Those facts will not be
18 reiterated here, other than to confirm Mr. Farrell’s status has not changed and he remains
19 in compliance with supervision conditions.

20 Mr. Farrell continues to work as an IT specialist where he develops integrated
21 financial platforms for the company that hired him in December 2021. Mr. Farrell has his
22 own residence and continues to go to a gym in order to promote and maintain his health.
23 He also spends time hiking and has a pro-social group of friends.

24 Given Mr. Farrell’s continued compliance with the conditions of his supervision,
25 in an email to counsel on February 2, 2023, Probation Officer Elizabeth Pace indicated
26 that she does not oppose this motion to terminate supervision. Assistant United States

1 Attorney Thomas Woods similarly indicated via email that the government does not
2 oppose early termination.

3 **III. CONCLUSION**

4 Taking into account the support of his probation officer, the government and the
5 Court's Order encouraging him to refile his motion for termination in six months if he
6 remains violation free, Mr. Farrell has demonstrated that supervision is no longer
7 required. He has stable employment, secure housing and involves himself in pro-social
8 activities and friends. Releasing Mr. Farrell from supervision serves "the interests of
9 justice." 18 U.S.C. § 3583(e)(1) and he respectfully requests the Court grant his motion.

10 DATED this 2nd day of February, 2023.

11
12 Respectfully submitted,

13 *s/ Nancy Tenney*
14 Assistant Federal Public Defender
15 Attorney for Brian Richard Farrell
16 Office of the Federal Public Defender
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